

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff,
v.
ROHIT KADIMISETTY,
Defendant.

)
)
) CASE NO. CR20-151
)
) Seattle, Washington
)
) February 11, 2022
) 11:00 a.m.
)
) SENTENCING
)
)

VERBATIM REPORT OF PROCEEDINGS
BEFORE THE HONORABLE RICHARD A. JONES
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Plaintiff: NICHOLAS ARNOLD MANHEIM
United States Attorney's Office
700 Stewart Street
Suite 5220
Seattle, WA 98101

For the Defendant: KAM KOOSHKI
Whitbeck, Kooshki & Zreik, LLP
21515 Hawthorne Boulevard
Suite 1130
Torrance, CA 90503

Reported by: MARCI E.C. CHATELAIN, CCR, RPR, RMR,
CRR, Federal Court Reporter
700 Stewart Street, Suite 17205
Seattle, WA 98101
marci.chatelain@wawd.uscourts.gov

1 PROCEEDINGS

2
3 THE CLERK: Please rise.

4 The United States District Court for the Western District
10:59:25 5 of Washington is now in session, the Honorable Richard A. Jones
6 presiding.

7 THE COURT: Good morning.

8 Please be seated.

9 Good morning.

10:59:32 10 THE CLERK: We are here for sentencing in the matter
11 of the USA versus Rohit Kadimisetty, cause number CR20-151
12 assigned to this Court.

13 Would counsel and the probation officer please rise and
14 make your appearances for the record?

10:59:46 15 MR. MANHEIM: Good morning, Your Honor. Nicholas
16 Manheim for the United States.

17 Next to me at counsel table is FBI Special Agent Laurie
18 Diver.

19 THE COURT: Good morning, both of you.

10:59:54 20 Please be seated.

21 MR. KOOSHKI: Good morning, Your Honor. Attorney Kam
22 Kooshki on behalf of the defendant, Rohit Kadimisetty.

23 THE COURT: Good morning, both of you.

24 PROBATION OFFICER: Good morning, Your Honor. Amelia
11:00:04 25 Whaley on behalf of U.S. Probation.

1 THE COURT: Good morning to you as well.

2 To begin with, the Court will require that you continue to
3 wear your masks unless you're speaking to the Court, then you're
4 free to remove your masks.

11:00:16 5 You're also permitted to remain at counsel table in the
6 interests of keeping everyone as safe as possible.

7 The Court will begin the sentencing proceeding by
8 identifying all the documents that I have received and reviewed.
9 And those documents include the following: The presentence
11:00:33 10 report prepared by United States Probation Officer Amelia Whaley
11 and attachments, including the Victim Impact Statement; the
12 government's sentencing memorandum, and the defendant's
13 sentencing memorandum, and the Plea Agreement.

14 Counsel for the government, are you aware of any additional
11:00:50 15 documents that I did not state for the record?

16 MR. MANHEIM: No, Your Honor.

17 When you say "the Victim Impact Statement," is that the
18 letter from the Amazon attorney?

19 THE COURT: That's correct.

11:01:00 20 MR. MANHEIM: Thank you, Your Honor.

21 THE COURT: Ms. McNaughton.

22 MR. MANHEIM: Yes.

23 THE COURT: All right.

24 And counsel for the government, just to confirm, it's my
11:01:05 25 understanding that the government does not have any outstanding

1 objections regarding the presentence report that require
2 resolution by the Court.

3 MR. MANHEIM: Correct, Your Honor.

4 THE COURT: All right. It's my understanding that
11:01:15 5 there were zero additions and there were clarifications and
6 those are already incorporated in the report; correct?

7 MR. MANHEIM: Correct, Your Honor.

8 THE COURT: And counsel for the defendant, are you
9 aware of any additional documents that I did not state for the
11:01:26 10 record?

11 MR. KOOSHKI: From our side or from the --

12 THE COURT: From any side.

13 MR. KOOSHKI: From any side.

14 We filed our presentencing report.

11:01:38 15 THE COURT: That's what I indicated, Counsel, the
16 defendant's sentencing memorandum.

17 MR. KOOSHKI: Besides that -- yeah, besides that,
18 there's nothing else, Your Honor.

19 THE COURT: All right.

11:01:45 20 And, Counsel, I trust that you've reviewed the presentence
21 report with your client?

22 MR. KOOSHKI: I have, Your Honor.

23 THE COURT: And, Counsel, I note that there is one
24 outstanding objection to the presentence report, and it's
11:01:57 25 regarding your objections to paragraphs 23, 36, and 43.

1 I'll give you my preliminary ruling, and I'll give you the
2 opportunity then to make additional argument if you wish to.
3 But, Counsel, I've had a chance to review that objection and I
4 agree with counsel for the government and probation after
11:02:15 5 reviewing the Plea Agreement, because the Plea Agreement
6 specifically on page 8 makes reference to your client's
7 admission to conduct, which is an admission to a statement of
8 facts which were agreed upon, and that indicates that the --
9 during the course of your client's involvement in the scheme was
11:02:37 10 approximately \$100,000, that's the reason why the Court is
11 determining that that \$100,000 reference is appropriate. So I'm
12 overruling the objection, but I'll give you the opportunity to
13 make your record or any additional argument. Do you wish to,
14 Counsel?

11:02:52 15 MR. KOOSHKI: I do briefly, Your Honor, if I may.

16 THE COURT: You may.

17 Pull the microphone closer to you.

18 And if you feel comfortable, you may remove your mask
19 during your statement.

11:02:59 20 MR. KOOSHKI: Sure.

21 Your Honor, while we understand that our client did agree
22 to the \$100,000 number in sum, and that's stated in the Plea
23 Agreement, as a side note, we would like to have the Court note
24 that in the entire bribery scheme, Mr. Kadimisetty personally
11:03:23 25 profited for less than \$10,000 himself. So -- and I think that

1 kind of plays an important role in the sentencing today. But
2 based on the Plea Agreement, we did agree to the number of
3 \$100,000 cumulatively as the act of all of the defendants'
4 actions and pecuniary damage that was assessed.

11:03:52

5 THE COURT: All right. So noted, Counsel.
6 Court's ruling will remain the same.

7 With that, Counsel, I trust that there are no additional
8 objections to the presentence report by the defense; correct?

9 MR. KOOSHKI: That's correct, Your Honor.

11:04:04

10 THE COURT: All right. With that, I'll announce my
11 conclusions as to the appropriate criminal history as well as
12 the guideline calculations. And for these, I'm using the 2018
13 guidelines manual.

11:04:20

14 For the offense of conspiracy to commit the violation of
15 the travel act, I begin by identifying the base offense level.
16 The guideline for a violation of Title 18, United States Code,
17 Section 1952(a)(3), is found at guideline section 2E1.2. That
18 section provides a base offense level for that violation.

11:04:48

19 Under specific offense characteristics in accordance with
20 guideline section 2B4.1, the Court is to increase by eight
21 levels if the total payment was greater than \$95,000, but less
22 than \$150,000.

23 Here, according to the Plea Agreement, the bribery amount
24 was approximately, in total, \$100,000.

11:05:08

25 There are no adjustments for victim's role in the offense

1 or obstruction of justice. This gives us an adjusted offense
2 level subtotal of 16.

3 There are no Chapter 4 enhancements.

4 I'm satisfied that based on the communication provided to
11:05:24 5 the presentence officer, as well as what has been provided by
6 the defendant, and the timeliness of his plea, which has given
7 the government the opportunity to more efficiently utilize its
8 resources, that the defendant qualifies for a three-level
9 downward adjustment for acceptance of responsibility. This
11:05:43 10 gives us a total offense level of 13.

11 The defendant has a criminal history category of 1. The
12 imprisonment range is 12 to 18 months. Supervised release range
13 of one to three years. Probation, the defendant's not eligible.

14 The fine range is \$5,500 to \$55,000.

11:06:03 15 Counsel for the government, how do you wish to respond to
16 the Court's calculations?

17 MR. MANHEIM: We agree with the Court's calculations,
18 Your Honor.

19 THE COURT: Counsel for the defendant, subject to your
11:06:12 20 objection, how do you wish to respond to the Court's
21 calculations?

22 MR. KOOSHKI: Your Honor, we agree and disagree in
23 part.

24 We believe that based on the overall -- again, the amount
11:06:21 25 of bribery that my client received was less than \$10,000, and we

1 believe that that would give the defendant a downward turn from
2 the sentencing guidelines, along with the other circumstances,
3 his history, the characteristics, and Mr. Kadimisetty's care and
4 support for his elderly parents, which we believe would give him
11:06:48 5 an opportunity to have a downward calculation of the sentencing
6 guidelines below 13.

7 THE COURT: All right. Counsel, your request is
8 noted, but it's overruled. The guideline calculations will
9 remain the same as indicated by the Court, but I'll certainly
11:07:08 10 give you the opportunity to make your recommendation to the
11 Court as to the proper sentence.

12 We'll proceed in the following fashion: First I'll hear
13 from counsel for the government, then I'll hear from probation
14 to see if the probation officer wishes to supplement or add to
11:07:23 15 the recommendation, then I'll hear from defense counsel, and the
16 defendant will be the last person to address the Court.

17 Counsel for the government, your recommendation.

18 MR. MANHEIM: Thank you, Your Honor.

19 Your Honor, with your permission, I'll remain seated so
11:07:37 20 that I'm near the microphone.

21 THE COURT: That's fine.

22 MR. MANHEIM: Your Honor, shopping online has become a
23 part of our daily lives. Indeed, for many over the last two
24 years, going online to shop might have become even more common
11:07:48 25 than actually stepping into a store. And many go to online

1 vendors to get information to read about products, research
2 sellers, and make purchases, often by giving private
3 information, their names, addresses, and credit card
4 information.

11:08:05

5 These shoppers rely on the information they find online and
6 over time they trust that certain sellers, products are what
7 they say they are. And they trust that companies that they buy
8 from will keep their information safe.

11:08:26

9 The defendant and his co-conspirators corrupted others and
10 bribed them to break that trust, paying employees to steal
11 information about customers, help unscrupulous businesses
12 continue to sell online, and perpetuate false information. They
13 did so on one of the largest shopping platforms, the Amazon
14 Marketplace.

11:08:44

15 Millions of users from around the world conduct billions of
16 dollars of business on that marketplace. It offers millions of
17 products to shoppers and provides them with information about
18 the products, their dimensions, their qualities, their prices,
19 provides them with photographs and information about sellers as
20 well as reviews from previous customers.

11:09:03

21 And shoppers can buy not only from Amazon itself, but from
22 third-party sellers, which are commonly small businesses trying
23 to grow and expand by using the popular Amazon worldwide
24 platform.

11:09:21

25 And to operate this enormous marketplace, Amazon collects

1 information from customers and third-party sellers to help them
2 make choices about what to buy and how to sell. And it uses
3 complex processes and algorithms to help in that process as well
4 as common sense rules in its efforts to create a fair and
5 reliable market that will continue to attract customers and
6 sellers.

7 Around these third-party sellers has arisen another large
8 market, a market of consultants, individuals and companies who
9 purport to help third-party sellers increase sales, compete with
10 other sellers, and work out issues with Amazon itself. While
11 many consultants likely follow Amazon's rules and provide
12 helpful information, some pursue black-hat tactics, stealing,
13 cheating, and attacking competitors.

14 The defendant and his co-conspirators were just such
15 consultants. They worked together to steal from Amazon, gain
16 unauthorized access to its systems, and manipulate the Amazon
17 Marketplace, all to give certain sellers an unfair competitive
18 advantage while lining their own pockets. They barraged Amazon
19 third-party sellers and customers with all manner of attacks.
20 They stole Amazon's proprietary information, stole information
21 about competing third-party sellers, stole information about
22 customers; fraudulently reinstated suspended sellers, reinstated
23 suspended products; fraudulently attacked other sellers;
24 manipulated reviews; gave their clients extra privileges to
25 store and sell products, and stole directly from Amazon by

1 approving false reimbursement requests. And they did all of
2 this through bribes and fraud.

3 From his computer in California, the defendant connected
4 his friends and former colleagues at Amazon in India with his
11:11:31 5 co-conspirators in the United States. And he acted as a
6 middleman, helping to coordinate the attacks and the theft of
7 information at Amazon between the co-conspirators in the United
8 States and those in India.

9 He helped to bribe those Amazon employees to betray the
11:11:52 10 trust of their employer, Amazon, betray the trust of Amazon's
11 partners, and Amazon's customers.

12 In a world where more and more of our shopping is done
13 online, bribing employees of online selling platforms to steal
14 important information and undermine services must have serious
11:12:14 15 consequences.

16 And we recommend that the Court sentence the defendant to
17 15 months of imprisonment, followed by three years of supervised
18 release, and impose a fine of \$50,000.

19 Now, we have -- the government has laid out its position in
11:12:29 20 detail in its filed sentencing memorandum, but I would like to
21 touch on three particular things: First, the defendant's role;
22 second, the need for a just punishment; and third, the need for
23 deterrents.

24 First, the defendant played a substantial role in this
11:12:46 25 conspiracy. He was one of its first members, being the person

1 who connected the Amazon insiders in India to the U.S.-based
2 consultants. And he participated in the conspiracy for a long
3 period of time, from early 2017 to approximately August or
4 September of 2018.

11:13:07 5 And he was an active participant, taking orders, following
6 up with Amazon employees who were stealing information, working
7 out prices for that information, and coordinating bribe
8 payments.

9 To his credit, the defendant did leave the conspiracy
11:13:23 10 earlier than his co-defendants when Amazon fired a number of the
11 Amazon employees in late 2018.

12 But that is not to say that the defendant only learned that
13 what he was doing was wrong when those employees were fired.

14 The defendant knew that he was breaking the rules throughout the
11:13:46 15 conspiracy. As he admitted in his Plea Agreement, he knowingly
16 and willfully conspired with others to bribe Amazon employees,
17 and the evidence supports that. He exchanged WhatsApp messages
18 with a corrupt Amazon employee about hiding their activity from
19 others in the office who might be able to see what was

11:14:06 20 happening. He exchanged other messages with Amazon employees
21 about employees who had been disciplined and how their own
22 activity was risky. And he used covert methods to communicate,
23 end-to-end encrypted communications, deceptive e-mail addresses,
24 and arranged payments, bribe payments, through third parties to
11:14:28 25 hide the true nature of those payments.

1 The defendant did all of this not because he suffered from
2 mental health or substance abuse problems, not because he was
3 desperate for money, or came from an abusive family or one that
4 didn't provide him with guidance; indeed, the defendant had a
11:14:45 5 supportive family, a good education, solid work history, and
6 promising prospects. Why did he do this? Quite simply, greed.

7 And the government has concerns that the defendant might
8 return to criminal conduct. He was not fully forthright with
9 the probation office about his association with his current
11:15:08 10 employer and the fact that he had worked for that employer
11 before, nor did he disclose that that current employer had been
12 involved in a scheme similar to the one at issue in this case, a
13 bribery scheme that the defendant fully knew about and
14 communicated with Amazon insiders about. Nonetheless, he did
11:15:26 15 not communicate that or explain that to the probation office.

16 And the defendant has also minimized his culpability here
17 by expanding on the fact that he believes he's been helpful to
18 the government. There's an allegation in the defendant's
19 sentencing memorandum that he's cooperating with the government.
11:15:51 20 That is not the case. The defendant has not signed a
21 cooperation agreement with the government. He did attempt to
22 provide a proffer, but the government had to cut it off when the
23 defendant was simply persisting in being untruthful.

24 The defendant's post-plea efforts to minimize his
11:16:08 25 involvement and culpability raise considerable concerns for the

1 government. And in -- when combined with his intention to
2 return to India where he'll be able to associate with others who
3 he engaged in this criminal conduct with without the oversight
4 of the probation office, that raises additional concerns for the
5 government.

6 The defendant had a key role in the conspiracy. And while
7 he left it early, his recent attempts to minimize his
8 involvement and avoid responsibility caused the government
9 considerable pause.

10 Turning to just punishment, the recommended sentence would
11 provide just punishment in this case. The defendant and his
12 co-conspirators have caused incalculable harm both to Amazon as
13 well as its third-party sellers and its customers. From Amazon,
14 they stole confidential information that Amazon spent untold
15 sums developing, refining, and protecting. Algorithms related
16 to Amazon search functions review prioritization and featured
17 seller programs, as well as documents related to Amazon's
18 internal procedures and internal deliberations about suspending
19 accounts and reinstating accounts.

20 They also caused Amazon to directly pay out money to the
21 co-conspirators by submitting and approving false reimbursement
22 requests for allegedly missing product that was not actually
23 missing.

24 And their efforts to cheat and manipulate on the Amazon
25 Marketplace have undermined confidence in Amazon's business.

1 This has caused further incalculable harm.

2 The defendant's co-conspirators also hurt third-party
3 sellers, primary small businesses that use the Amazon
4 Marketplace to grow and expand. They stole their information
11:18:04 5 and provided it to competitors to give them an unfair advantage.

6 They also helped online sellers review manipulations to
7 help them compete against honest third-party sellers. And they
8 even attacked other third-party sellers, sending false
9 information about their -- the third-party sellers to Amazon and
11:18:30 10 defacing the third-party sellers' products and web pages.

11 They also have harmed customers by stealing customer
12 identifying information, including e-mail addresses that the
13 third-party consult -- that the third-party sellers working with
14 the defendant and his co-conspirators could use to harass and
11:18:53 15 manipulate reviews on the Amazon Marketplace.

16 It is impossible to quantify the harm that the defendant
17 and his co-conspirators have done. And the defendant has
18 received a substantial benefit by being allowed to agree to only
19 \$100,000 in bribes in this case. The guidelines range could
11:19:14 20 have been calculated in different ways, as it might be for some
21 of the co-defendants who, in the government's view, are more
22 culpable. And the government agreed to these benefits for the
23 defendant in light of his relative culpability. But this
24 guidelines range underestimates the actual harm that the
11:19:34 25 defendant has done. The defendant's guideline range reflects a

1 number of decisions in his favor, but we should not lose sight
2 of that harm.

3 Your Honor, the government's recommendation provides for a
4 just punishment in light of the incalculable damage done by the
11:19:49 5 defendant and his relative culpability.

6 Turning finally to deterrents, the recommended sentence
7 will not only help to deter the defendant from committing future
8 crimes like this, but, also, hopefully, will help to deter
9 others.

11:20:05 10 Now, in criminal law, general deterrents is often invoked
11 and almost as often disregarded. But in some cases, the need to
12 consider general deterrents is real and compelling and this is
13 one of those cases.

14 This case relates to a specific community of Amazon
11:20:25 15 employees, sellers, and consultants that is well aware of this
16 case and the conduct at issue. And some of those members of
17 that community are engaged in similar conduct or think that they
18 can get away with it or walk away with only a slap on the wrist.
19 The result here will resonate through that community, and the
11:20:46 20 recommended punishment will send the message that these
21 black-hat sellers, black-hat tactics, bribing, stealing,
22 cheating, attacking, will not be condoned.

23 This case has received considerable attention in the press,
24 and those accounts show that Amazon sellers and consultants are
11:21:06 25 paying attention. And many in that community have succumbed to

1 the twisted mindset described by co-defendant Ed Rosenberg in a
2 post-indictment interview. As he explained, many feel that they
3 have to cheat to get ahead, and that if they cheat, they likely
4 won't get caught, so they pursue conduct like the crimes at
5 issue here.

11:21:30

6 The recommended sentence would help to break that cycle and
7 convince Amazon sellers and consultants that bribing, stealing,
8 and cheating will be met with serious consequences.

9 Your Honor, the defendant played a key role that did
10 tremendous harm, and the government recommends that the Court
11 sentence the defendant to 15 months of imprisonment, followed by
12 three years of supervised release, and impose a \$50,000 fine.

11:21:46

13 Thank you, Your Honor.

14 THE COURT: Thank you, Counsel.

15 Ms. Whaley, do you have any additional input that you'd
16 like to share with the Court?

11:22:01

17 PROBATION OFFICER: Your Honor, I have nothing to add,
18 unless you have any questions for me.

19 THE COURT: I have no additional questions.

20 PROBATION OFFICER: Thank you.

11:22:10

21 THE COURT: Counsel?

22 MR. KOOSHKI: Your Honor, as Mr. Kadimisetty has
23 stated in our presentencing memo, he cannot fully explain his
24 lapse in judgment because he did not put a great deal of thought
25 into his actions and was manipulated and exploited by the other

11:22:30

1 co-defendants.

2 Unlike the other co-defendants, who are still fighting and
3 challenging the case, our client, Mr. Kadimisetty, came to terms
4 with what he had done wrong and entered into this Plea
11:22:48 5 Agreement.

6 The evidence demonstrates that at the time of the offense,
7 he was experiencing some emotional instability and extreme
8 ignorance of the law. This is very important, extreme ignorance
9 of the law. Why is that? Mr. Kadimisetty is a new immigrant
11:23:04 10 from India to the United States and is not familiar with the
11 laws of the United States. While that is not an excuse,
12 ignorance of law is never an excuse, Mr. Kadimisetty did realize
13 that his actions were not right and voluntarily made decisions
14 to remove himself from the scheme and to avoid any further
11:23:23 15 communication with the other co-defendants. And since his
16 removal from the scheme, he's had no communication and no
17 interactions with any of the defendants.

18 When communicating with Mr. Kadimisetty, he placed a great
19 deal of emphasis on his lack of knowledge for the law and how
11:23:42 20 easily it was for the co-defendants to exploit and manipulate
21 him because he was a new immigrant to the United States with
22 very limited financial means.

23 Mr. Kadimisetty has led a very problem-free life. And
24 apart from the instant offense, Mr. Kadimisetty has been a
11:23:59 25 law-abiding and productive citizen.

1 Mr. Kadimisetty has been honest, kind, generous with his
2 friends and family, and he's a modest person who lives a modest
3 lifestyle. His lapse of judgment that led to the instant
4 offense does not accurately represent his true character.

11:24:17 5 Mr. Kadimisetty deserves a second chance to prove his full
6 potential and true extent of his character.

7 Mr. Kadimisetty is the major supporter of his elderly
8 parents in India, who both suffer from medical problems and are
9 financially dependent for monetary support from Mr. Kadimisetty
11:24:36 10 to handle their day-to-day financial affairs in India. Mr.
11 Kadimisetty is working full time at Hawthorne Distribution and
12 sends money back home to support his parents in India.

13 If Mr. Kadimisetty is incarcerated, there would no doubt be
14 -- there would no doubt be both financial and emotional
11:24:58 15 suffering for his parents.

16 From the onset of this matter, unlike the other
17 co-defendants, Mr. Kadimisetty immediately implicated himself
18 and admitted that he had committed the crimes. The Defendant
19 Kadimisetty expressed that he was very sorry and that he was
11:25:15 20 extremely ignorant about the laws of the United States, and that
21 he was not aware of what he was doing would constitute a crime.
22 To make things right, defendant immediately admitted his guilt
23 to the Court at the very early stages of the proceedings.
24 Furthermore, defendant was extremely cooperative and humble.
11:25:35 25 Additionally, if need be, defendant is willing to cooperate with

1 the government against the other co-defendants.

2 Mr. Kadimisetty has also recognized the full extent of his
3 mistakes and unwise actions. Mr. Kadimisetty realized the
4 immense impact of his wrongful acts upon himself, his family,
11:25:55 5 and the shopping Amazon community.

6 Mr. Kadimisetty does not minimize his unwise actions, and
7 he is willing to serve a just punishment for his ignorant and
8 unwise decisions. Mr. Kadimisetty is ashamed and sorry not only
9 for what he has done, but also for the embarrassment he has
11:26:16 10 caused his family and the community.

11 Mr. Kadimisetty has no prior criminal history and is an
12 outstanding citizen in his community. He has been hardworking
13 and a gainfully employed man his entire life.

14 When Mr. Kadimisetty is not working, he allocates the rest
11:26:36 15 of his time to attend to the day-to-day activities of the
16 household and attends the local Hindu temple to meditate and
17 reflect on his life and future.

18 Mr. Kadimisetty is an individual who has high standards and
19 is proud to live in America and be an American. He considers
11:26:53 20 himself as an American and believes in the American values and
21 standards. Mr. Kadimisetty intends to do his best to repay his
22 debt to the government and to society.

23 Mr. Kadimisetty believes that people in his situation
24 should be given a second chance to make things right. Mr.
11:27:13 25 Kadimisetty is also a very spiritual person and has asked for

1 forgiveness from the powers above. Mr. Kadimisetty is not proud
2 of what he's done and feels unwise about his past actions.

3 Mr. Kadimisetty pursued -- intends on pursuing his dream of
4 becoming an e-commerce manager and plans one day to fulfill his
11:27:33 5 dream of creating his own e-commerce start-up company.

6 Mr. Kadimisetty has great credit and is a very financially
7 responsible person in society.

8 Mr. Kadimisetty is a humble man that lives a very simple
9 and modest life.

11:27:50 10 Mr. Kadimisetty believes in the American dream of being
11 able to work hard to better his life.

12 Defendant is not dependent on government assistance and
13 desires to earn an honest living by working as an e-commerce
14 manager.

11:28:08 15 Mr. Kadimisetty's time would be much better spent working
16 under home detention than behind prison bars.

17 If incarcerated -- if incarceration is imposed by the
18 Court, Mr. Kadimisetty's health would be at risk due to his
19 dietary restrictions as a vegan and potential exposure to
20 COVID-19 in the federal prison system.

21 Serving a greater sentence not only delays the repay --
22 serving a great sentence not only delays the repayment of
23 restitution to the government, but also incurs further costs for
24 the taxpayers.

11:28:39 25 Based upon the total level of 13, offense level of 13, and

1 a criminal history of Category I, the guidelines impose a range
2 of 12 to 18 months. Since the applicable guideline range is in
3 Zone C of the sentencing table, the minimum term may be
4 satisfied by, one, a sentence of imprisonment; or, two, a
5 sentence of imprisonment that includes a term of supervised
6 release with the condition that substitutes community
7 confinement or home detention. According to the subsection --
8 schedule in subsection (e), it provides that at least one-half
9 of the minimum term is satisfied by imprisonment. As such, the
10 Court sentence the defendant to less than a year in jail
11 followed by five years of supervision.

12 If the Court is disinclined to impose a sentence of
13 probation, defense respectfully requests the Court to consider a
14 downward departure of four -- of two to four levels of
15 extraordinary family circumstances above, an additional downward
16 departure, as the Court sees fit.

17 In the alternative, it is important to note, again, and
18 take into consideration that defendant only benefited less than
19 \$10,000 from this entire bribery scheme. His actions were not
20 based on greed, his actions were based on stupidity and
21 ignorance of the law and being an immigrant to this new country.

22 Based on this \$10,000 bribery benefit, defendant would be
23 placed in Zone B of the guidelines, instead of Zone C of the
24 guidelines. Zone B allows the Court to consider probation and
25 home confinement instead of imprisonment under Zone C. We're

1 asking the Court to give great weight to this issue when
2 considering defendant's punishment.

3 The defendant is neither a violent man nor a hardened
4 criminal. In fact, Mr. Kadimisetty immediately confessed to his
11:30:44 5 wrongdoing and cooperated with authorities at the inception of
6 the investigation. Defendant is proud -- is a proud American
7 that believes in second chances to make things right.

8 Defendant intends on repaying his debt to the government
9 and must not be imprisoned for a very lengthy period. As such,
11:31:11 10 defendant respectfully requests to be sentenced to a time of
11 probation or significantly less period than what the United
12 States Probation officer and the United States Attorney's Office
13 have recommended.

14 Further, defendant is willing to serve under house arrest
11:31:26 15 and conduct extended hours of community service as an
16 alternative to prison.

17 Defendant is also willing to serve a hybrid of time in a
18 halfway house and an arrest, which will allow defendant to keep
19 employment to support himself, his family, and pay restitution.

11:31:44 20 Defendant respectfully asks the Court to recommend home
21 detention for all or part of his sentence. Home detention will
22 allow defendant to serve his time for the crime and
23 simultaneously be able to work, again, to financially assist his
24 elderly parents back in India with their day-to-day activities
11:32:04 25 and financial needs.

1 In sum, based on the foregoing above, defense respectfully
2 requests the Court to consider extended home detention. And if
3 the Court is adverse to impose a sentence of home detention,
4 defendant respectfully requests the Court to consider a hybrid
5 of a period spent in a halfway house and probation.

6 Due to the defendant's exigent family situation, defendant
7 requests a downward departure of two to four levels and any
8 other downward departures as the Court deems fit.

9 In sum, Mr. Kadimisetty is not a hardened criminal. He's
10 not greedy. Unfortunately, he got tied up with the wrong group
11 of people and made poor decisions and is here before the Court
12 today, unlike the other co-defendants, to ask for mercy and
13 forgiveness from the Court.

14 Thank you, Your Honor.

15 THE COURT: Thank you, Counsel.

16 Mr. Kadimisetty, your lawyer has spoken on your behalf,
17 he's filed written materials on your behalf, all of which I have
18 read.

19 Sir, you're not required to say anything, and your silence
20 will not be held against you; however, you do have the
21 opportunity, if you wish, to share any thoughts that you'd like
22 this Court to consider before I impose sentence.

23 Mr. Kadimisetty.

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: Please speak into the microphone.

1 You may be seated, sir.

2 THE DEFENDANT: Good morning, Your Honor.

11:33:50

3 Thank you for giving me the opportunity to be in this
4 courtroom, allowing me to attend this session in person amidst
5 the pandemic.

6 Today is the most important day of my life, and I wanted to
7 be here in person to show you who I really am and for you to see
8 me as a person behind what the documents speak.

11:34:06

9 Today I promise to be an open book in front of you. I
10 don't want to hide anything, I don't want to make any excuses,
11 and I want to be as transparent as I can.

12 Your Honor, I've always been a person who has lived a life
13 with positive attitude. I've always been curious, to question
14 things around me, and extremely driven to do the right things.

11:34:25

15 I call myself a dreamer, and I've always worked hard to
16 achieve those dreams. I'm passionate about learning and getting
17 better, and I'm a lot more things, but what I am not is I'm not
18 a cheater, I'm not greedy, and I'm not cunning to take advantage
19 of others for my selfish gains, and certainly not daring enough
20 to consciously commit anything at all.

11:34:46

21 Had I taken the path -- had I not taken the path I did, I
22 see myself doing good for the community, traveling around the
23 world, and inspiring young minds to dream big, but, instead, I'm
24 here today and living through my darkest days.

11:35:05

25 Your Honor, I'd like to share a few things about my life to

1 help you see the Rohit Kadimisetty beyond these mistakes.

2 Growing up as a kid from an Indian background, we're taught
3 to dream big, but not big enough to fall. I'm the first person
4 in my family to emigrate and to have come this far, but I'm also
11:35:26 5 the first person from my family to have stepped into a
6 courtroom.

7 My parents always encouraged me to dream big, but also
8 reminded me several times to be careful and mindful at every
9 step. And I've carried those lessons with me in this life.

11:35:41 10 I've always looked for land mines before stepping into a
11 field, but as my fate had other plans for me, I got blindsided
12 by my own intelligence and failed to look at the land mines
13 which blew up my life, dragging my family into it.

14 I want to be honest with you, I've never been scared in
11:36:00 15 life until today. My father taught me always to be humble and
16 fearless, but please believe me when I say this, when all of
17 this was happening, a 27-year-old man turned into a
18 five-year-old terrified kid, not knowing what to do, and not
19 knowing who to go to.

11:36:18 20 In the last two years, I've been companions with constant
21 fear and anxiety and the thoughts of losing my life and career
22 because of all the pain. Realizing the intensity of the
23 situation that unfolded, my fears turned into pain and I punish
24 myself every single day for allowing myself to slip into this.

11:36:45 25 I understand the damage caused by my actions, and I take full

1 accountability of it. And if my words mean anything, I'd like
2 to sincerely apologize to Amazon for involving myself in a
3 scheme of things that impacted them or other parties associated.

4 Amazon is a company that shaped my professional career and
11:37:06 5 introduced me to some great leaders. I got to learn so much
6 during my tenure at Amazon, and I'll always be proud to have
7 been associated with them. But I'm certainly sure that Amazon
8 is not proud of calling me as their ex-employee and have not
9 given them any reason to do so.

11:37:24 10 I'm usually an individual who thinks twice and tries to
11 analyze a situation before I get into anything. I terribly
12 failed to judge certain things that have let me stand here
13 today.

14 In 2017, I was a 23-year-old immigrant who knew nothing
11:37:44 15 about this country or who haven't met any Americans at that
16 point of time. And at that point, one of the co-defendants
17 reached out to me on LinkedIn and I expected nothing but a
18 professional relationship with them. And over the course of
19 period [sic], the relationship stayed as such, but I got
11:38:07 20 manipulated and I was told certain things that made me believe
21 that I was not doing wrong. I was repeatedly told that I was
22 helping small sellers and I was being helpful for people who
23 were on the verge of losing their businesses, and I just
24 believed and I helped the co-defendants.

11:38:28 25 And in mid-2018, a series of events occurred which were out

1 of my control and which led me to do certain things I'm not very
2 proud of.

3 I would have not been involved in it if I knew the full
4 scope of, or if I had the basic understanding of law. Things
11:38:45 5 happened so quickly that before I could realize, I was caught up
6 in the middle of a mess.

7 I'm ashamed of myself for being ignorant of law and for
8 getting myself manipulated and for believing that my actions
9 were not wrong.

11:39:01 10 After I realized what was wrong, I voluntarily stepped away
11 from the scheme and everyone involved in it, promising myself to
12 never return to their world of deception and fraud. I moved
13 away knowing that this isn't how I wanted to build my life.

14 Even after moving on, the co-defendants continued to reach
11:39:18 15 out to me, asked me to contribute to their ill practices. But
16 having known their real motives, I not only stepped away from
17 everyone, but also tried to save another friend who was being
18 pulled into their scheme of unlawful practices. I made him
19 realize this sooner and help him choose a different direction to
11:39:36 20 rebuild his life again as I was looking to do so.

21 Since I couldn't undo the past, I started focusing on what
22 was at my hand, and I started focusing on my future. I poured
23 my heart and soul into everything I did. I reached out to my
24 close friends about -- close friends and told them about it only
11:39:55 25 in the hope to fully accept what I did and to desperately clear

1 my conscience. I started working harder than ever, focused all
2 my energy into supporting myself and CC Wellness, the
3 organization I was part of, seek mentors, and tried involving
4 myself in multiple projects to upscale myself. And as a result
11:40:16 5 of which, I was promoted twice for the contributions I made for
6 the organization.

7 Your Honor, even in the hardest times, I never relied on
8 alcohol or any substances, I solely relied on my own strength
9 and the love and support from my loved ones and surrendered
11:40:32 10 myself to the higher power to guide me and help me walk in the
11 right direction.

12 Ever since the indictment has been brought, I've complied
13 with every rule set by the probation office, including being on
14 location monitoring and not using any computer devices, and also
11:40:47 15 by showing my responsibility of the trust the Court has put in
16 me by allowing me to be removed from location monitoring.

17 I wanted to accept responsibility of my conduct in the very
18 early stages, ensuring that I was not wasting any of the
19 government's time or resources.

11:41:06 20 I'm hoping that the Court recognizes my proactiveness in
21 correcting myself, and as I stepped away from everything as soon
22 as I realized I was heading down the wrong path. And this was
23 at least two years before the law enforcement stepped in. And
24 since then, I only worked on improving myself, promising to
11:41:25 25 never walk the path that once I did.

1 I only hope that today my mistakes do not define who I am,
2 but everything I did after my mistakes shows me -- shows the
3 true character of who I am.

4 Your Honor, I want the Court to know that the Rohit
11:41:48 5 Kadimisetty sitting here today is not the Rohit who committed
6 these mistakes. The Rohit here is more mature, more wiser, and
7 has a better understanding of things to know the difference
8 between what is right and what is wrong.

9 I request the Court to see the scenario as an individual
11:42:05 10 who was dumb, who did not know what exactly he was doing, who
11 owned up to his mistakes and stepped away from everything before
12 the law enforcement entered, and an individual who is filled
13 with remorse and has suffered a lot of pain and seen everyone in
14 his family suffer because of him and his ill -- grave mistakes,
11:42:24 15 an individual who is here today and taking responsibility for
16 his mistakes, to have learned the lesson and never to repeat
17 such a mistake in this lifetime.

18 Your Honor, my parents throughout their life put my needs
19 and happiness before their own. They worked extremely hard to
11:42:44 20 provide me the life I have today. And now that they are
21 retired, I had hoped to provide comfort and happiness to them,
22 but, instead, I'm giving them a lot of pain and suffering, and
23 that is the biggest punishment. The dishonor that I have
24 brought to my family because of the mistakes and all the media
11:42:59 25 attention associated with this case has been very painful, and

1 all of this will be a scar for my life.

2 My only hope right now is to be able to written [sic] to my
3 family the first instance I'm allowed to. As of today, I'm a
4 man completely self-aware of the mistakes I made. I'm extremely
11:43:18 5 remorseful, and I'm pleading for mercy and forgiveness.

6 I understand that I violated certain laws and need to be
7 justly punished for violating those laws, but I also know that I
8 will never repeat these mistakes or do anything that is
9 unlawful.

11:43:30 10 I believe I made an effort to showcase my true character by
11 stepping away voluntarily when life gave me a chance. If there
12 is any possibility and if the law allows for it, I would like to
13 request the Court to consider an alternate mode of punishment in
14 the form of home confinement, probation, along with fine, and
11:43:50 15 stringent community service as an opportunity for me to serve
16 back the community.

17 In case of jail sentence, Your Honor, the life I created
18 for myself with sheer hard work and sincerity will come
19 crumbling down and the opportunities of providing a better life
11:44:08 20 for myself and my family will no longer exist.

21 As a kid, I grew up dreaming about moving out of India,
22 coming to America, and living an American dream. I wouldn't do
23 anything consciously that would take me away from my dream
24 because, as far as I know, for more than half of my life, I've
11:44:32 25 dreamed to be in this country and I've dreamed to do -- to be as

1 successful as I can, but it was pure stupidity and I couldn't --
2 I didn't know what I was doing. I was completely lost and I
3 just believed in what I was being told.

4 I'm not a career criminal and I have never been and never
11:44:56 5 will be. I can assure you with my whole heart that I will never
6 do anything that is unlawful or against my moral values.

7 I'm in my late 20s and I have a beautiful life ahead of me
8 with my parents and loved ones, and I'm willing to do anything
9 to not have that taken away from me. I'm hoping to make my
11:45:17 10 mother proud again who always believed that I make -- that I
11 could make a positive difference in this world.

12 I promise that this will be the last time I will be in any
13 courtroom for misconduct.

14 I want to let the Court know that I made a poor decision in
11:45:33 15 the past, got involved with the wrong people, not knowing the
16 consequences of my action, and today I'm pleading for mercy and
17 forgiveness from the Court.

18 As I stated in the beginning of my speech, I'm a dreamer
19 and my dream is to give -- to be given a second chance to
11:45:47 20 fulfill my desire to live the American dream. Your Honor, all I
21 beg for is one chance to prove that I've changed for the better.

22 Thank you, Your Honor.

23 THE COURT: Thank you, Mr. Kadimisetty.

24 The Court has heard from all parties. And this Court is
11:46:06 25 mandated to calculate an appropriate guideline range, and I've

1 done that.

2 Then the Court has the responsibility of looking at and
3 considering any departures or variances that might be applicable
4 in view of the facts and circumstances.

11:46:19 5 The Court also has a responsibility to look at and consider
6 all the Section 3553(a) factors of the sentencing guidelines.
7 It's my practice to go through those factors so that you
8 understand how the Court arrived at the sentence that I will
9 impose.

11:46:34 10 So I begin, sir, first with your history and
11 characteristics. The obvious mitigating factor is that you
12 don't have any prior criminal history. And other than the
13 circumstances of this case, it appears that you've been a
14 law-abiding citizen while you've been in the United States.

11:46:53 15 It also appears to this Court that you were and are well
16 educated and employable with excellent opportunities.

17 The Court did not find any circumstances that presented any
18 challenges for you as a child. Your parents were involved in
19 your life and they gave you opportunities to be successful in
11:47:11 20 life.

21 The Court also notes that from the representations that
22 have been provided that you ceased participation in the scheme,
23 from what I believe, before law enforcement was involved and you
24 stopped communicating with your co-defendants. These all appear
11:47:27 25 to be mitigating circumstances.

1 Next, the Court transitions to the nature and circumstances
2 of the offense. You were involved in a scheme to bribe Amazon
3 employees and contractors in exchange for information which is
4 of advantage to third-party sellers on the Amazon Marketplace.
11:47:46 5 You also engaged other Amazon employees to accept bribes. These
6 were all aggravating circumstances.

7 The Court also looks at the need for this sentence to
8 reflect the seriousness of the offense.

9 Now, the government has represented and the Court has read
11:48:02 10 through the details of your specific activity and the activities
11 of the co-defendants, but you're being sentenced on what you
12 did. The scope of the harm to Amazon particularly is emphasized
13 in the communication from the Amazon representative or lawyer
14 that the scope of the harm was massive and impossible to
11:48:22 15 calculate, and the reputational damage was harmful, also, to
16 third parties involved.

17 The Court next needs to look at the need to promote respect
18 for the law and provide just punishment. Now, the Court looks
19 specifically at the fact of how you engaged in this crime. You
11:48:43 20 used personal relationships with former colleagues and used
21 knowledge of Amazon's confidential internal processes and used
22 those procedures to assist you in accomplishing and achieving
23 your goals and the goals of the other individuals involved in
24 this scheme.

11:49:02 25 The Court also needs to impose a sentence to afford

1 adequate deterrents to criminal conduct. As you heard from
2 counsel for the government, there's two different types of
3 deterrents. There's specific deterrents in terms of needing to
4 impose a sentence so that you will not be involved in this type
11:49:19 5 of activity again, and there's general deterrents so that it
6 sends a clear message to anyone else out in the planet, in the
7 marketplace, or in the community that believe that this type of
8 conduct can be accepted and tolerated in our system of justice,
9 and that they will understand that there will be punishment for
11:49:38 10 involvement in these types of schemes.

11 The Court also needs to impose a sentence to protect the
12 public from further crimes by yourself. Now, the government
13 suggests that if you return back to your country, you may
14 continue in this activity. I don't know that. It would appear
11:49:54 15 to this Court the fact that you've lived a law-abiding life up
16 to this point in time that concern about protecting the public
17 should not be a significant concern. And based upon what I've
18 seen and read about you, it would appear that this would be your
19 only contact with the justice system.

11:50:10 20 The Court also looks at the need to give you an opportunity
21 for education, training, or treatment. I don't see that that's
22 a significant factor in my sentence as you are well educated.
23 There's no indication of any addiction or association with
24 illegal substances or alcohol. And there's no identification of
11:50:29 25 any specified treatment that would be necessary or appropriate,

1 so the Court doesn't find that to be a major or significant
2 factor.

3 Last, the Court needs to consider the avoidance of
4 sentencing disparity. I've received no information which would
11:50:44 5 show that any sentence that would be recommended by the parties,
6 has been recommended by the parties, or could be imposed by this
7 Court would cause sentencing disparity, so that's, again, a
8 less-considered factor by this Court.

9 Now, having looked at all these characteristics and
11:51:02 10 factors, the Court will first place you on a three-year term of
11 supervised release. Please understand you'll be subject to the
12 standard and special conditions of supervised release exactly as
13 stated in that document without variance.

14 The Court also recognizes that the presentence report calls
11:51:20 15 for a fine in this matter.

16 And the question the Court has is, is restitution going to
17 be requested by counsel for the government?

18 MR. MANHEIM: No, Your Honor, no request for
19 restitution.

11:51:30 20 THE COURT: All right. That being the case, the Court
21 will impose a fine as requested in the amount of \$50,000.

22 The Court also imposes the special assessment in the amount
23 of \$100, and that's due immediately.

24 Having imposed all the other conditions, the only remaining
11:51:46 25 issue is custodial time.

1 Now, sir, the Court looked at what you did and the
2 complexity of the scheme that you were involved in. Now, you
3 come to the Court and say, essentially, through your lawyer, in
4 your own words, this was ignorance of the law, I didn't know
11:52:02 5 what I was doing was wrong. But, sir, at some point in time the
6 light had to come on to let you know that what you were doing
7 was illegal. You were contacting employees of Amazon. You were
8 paying money for the information that you were receiving. And
9 this was all organized activity. In some ways it could be
11:52:25 10 characterized as modern-day organized crime. It was you, other
11 individuals, involving yourselves in corruption, deceit, and
12 direction with bribes being paid. In some ways, sir, you
13 probably and may have been responsible solely or collectively
14 with causing other individuals to be attracted by a bribe and
11:52:53 15 feeling that this is a way to get a little bit of money, a way
16 to get a little bit ahead. So you may have lured people who
17 were innocent just for the attraction of money.

18 Now, sir, it would be quite easy to say, well, Amazon is a
19 big company. They've got billions of dollars. Whatever I take,
11:53:11 20 whatever I steal, even if it's only \$10,000, is of no
21 consequence or significance. But this system does not work like
22 that.

23 Sir, you did not have a license to steal from Amazon. You
24 didn't have a license to bribe any other individuals or to
11:53:29 25 engage in manipulation of the system as you did. It was wrong,

1 you had to know it was wrong, and when that light did come on,
2 you clearly knew it was wrong, and you clearly have had the
3 opportunity to reflect upon what you've done.

4 Now, the government characterizes what you did as greed. I
11:53:51 5 don't know why you committed this criminal activity. In some
6 cases, the Court poses a question to a defendant to say, why did
7 you do this? If it wasn't greed, what was the motivation? Why
8 were you involved in this type of activity in the first place?

9 So, sir, I'm not asking you to answer that question, it's a
11:54:12 10 rhetorical question because, to be honest, sir, greed had to be
11 a motivator, an easier way for a pathway to more money, to more
12 income, to gain some of this dream that you were talking about.
13 The dream didn't have to equate by being achieved by illegal
14 conduct.

11:54:32 15 Whether you were influenced by other people or not, the
16 outcome is still the same, you were stealing what wasn't yours,
17 you were engaged in illegal conduct which should not have been
18 engaged in, in the first place, and there has to be
19 consequences.

11:54:48 20 Now, your lawyer suggested to the Court that basically home
21 detention is the proper remedy. Well, sir, what message would
22 that send to other people? I can be involved in manipulation of
23 these type of systems to the tune of \$100,000 and my punishment
24 is to stay home.

11:55:07 25 Sir, we're in the middle of a COVID pandemic. Many

1 employees have to stay home and have been home for almost two
2 years. So what message does that send out to the general
3 public? And, yes, this is a question of general deterrents.
4 What message do I send to the public, to other people of like
11:55:31 5 mind to think that this is okay, that this is tolerable and the
6 only consequence is stay home, do no evil. Sir, that can't be
7 the message that goes out to the public, and it can't be the
8 message that I send back to you as well. So I think the
9 appropriate remedy in this case is a term of 10 months in
11:55:55 10 custody.

11 Now, your lawyer's requested Terminal Island, but because
12 of the 10-month duration, I don't have any objection if your
13 lawyer requests through you to serve this at the Federal
14 Detention Center.

11:56:06 15 So, Counsel, do you have a specific request, either
16 Terminal Island or the detention center? Oftentimes sentences
17 that are less than one year, the detention center can
18 accommodate that duration of a sentence. I can't guarantee
19 that, it's merely a recommendation. So if you wish to consult
11:56:26 20 with your client, I'll be happy to include that in the
21 recommendation from this Court. So if you wish to consult with
22 your client.

23 (Off the record.)

24 MR. KOOSHKI: Your Honor, if we can, we'd like to
11:56:40 25 consider the detention center option.

1 THE COURT: All right. The Court will include that as
2 a recommendation.

3 MR. KOOSHKI: Okay.

4 THE COURT: Now, please understand, sir, this is
11:56:47 5 merely a recommendation. If for some reason the Bureau of
6 Prisons decides to send you to another facility or another
7 location, that's within the power that they have. So I don't
8 want you to think if they send you someplace else that they're
9 violating an order of the Court. I cannot control that.

11:57:06 10 I've taken into consideration the fact of the impact that
11 this is going to cause upon your parents and the fact that you
12 have a special diet. The special diet can be an accommodation
13 that can be made at the detention center for religious purposes
14 and religious reasons. The fact that this may have a financial
11:57:24 15 impact upon your parents, I don't have any information which
16 would show that it would be consistent with the guidelines that
17 that should be the basis for this Court to provide a variance.
18 I've considered your lawyer's recommendations in the overall
19 sentence that's been imposed, so I have factored that in to some
11:57:44 20 degree, Counsel, but not to the extent that you've requested
21 this Court for a term of no imprisonment.

22 Now, sir, I want you to pay close attention as I give you
23 your rights on appeal; otherwise, I believe this sentence as
24 imposed is reasonable and sufficient, but no more than necessary
11:58:01 25 to accomplish the objectives of sentencing.

1 So, Mr. Manheim, please wait until I finish the advice of
2 rights.

3 Sir, it's my understanding that under paragraph 16 of the
4 Plea Agreement, you waived your rights on appeal. Any rights
11:58:13 5 you had on appeal are exactly as stated in that document.

6 In addition to those rights, I also wish to advise you, you
7 have the right to challenge your lawyer's effectiveness if you
8 believe that that's appropriate.

9 If you wish to appeal the sentence, it's very important
11:58:26 10 that you tell your lawyer that's exactly what you wish to do.
11 He can explain to you any issues that are appealable and any
12 issues that might survive.

13 Now, if you wish to appeal the sentence and cannot afford
14 the filing fee for the Court of Appeals, you can ask me to waive
11:58:43 15 that and I will direct the court clerk to prepare and file a
16 notice of appeal at your request at no cost to you.

17 Please understand, any notice of appeal must be filed
18 within 14 days of the entry of judgment.

19 And lastly, the waiver does not preclude you from bringing
11:58:58 20 an appropriate motion pursuant to Title 28, United States Code
21 Section 2241, to address the conditions of your confinement or
22 the decisions of Bureau of Prisons regarding the execution of
23 your sentence.

24 Do you understand each of these rights, sir?

11:59:15 25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: Counsel may present the judgment first to
2 counsel for the defendant and then to probation.

3 MR. MANHEIM: Thank you, Your Honor.

12:00:00

4 THE COURT: And, Counsel, just to clarify, I'll permit
5 your client to self-report.

6 I trust there's no objection by counsel for the government.

7 MR. MANHEIM: No objection, Your Honor.

8 THE COURT: Also, you'll be notified -- is it by
9 probation or by the marshals?

12:00:09

10 PROBATION OFFICER: By probation.

11 THE COURT: All right. You'll receive notice from
12 probation as to when your sentence begins.

13 And in allowing you to self-report, do I have your solemn
14 oath and promise that you will report as directed upon
15 notification by the probation department?

12:00:21

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: All right. That will be permitted.

18 MR. KOOSHKI: Your Honor, I have one question with
19 respect to the fine of -- the \$50,000 fine imposed.

12:02:00

20 THE COURT: Yes.

21 MR. KOOSHKI: What would -- could we request that
22 defendant have a 30-day time period to submit that fine?

23 THE COURT: Yes.

24 MR. KOOSHKI: Thank you.

12:02:13

25 THE COURT: And if he needs to make alternative

1 arrangements, he can discuss that matter with probation as far
2 as setting up time payments or the actual payment of that sum.

3 MR. KOOSHKI: Thank you, Your Honor.

4 (Off the record.)

12:02:35

5 THE COURT: Counsel for the defendant, I trust that
6 you've reviewed the judgment?

7 MR. KOOSHKI: I have, Your Honor.

8 THE COURT: And does it comport with the Court's oral
9 ruling?

12:02:42

10 MR. KOOSHKI: It does, Your Honor.

11 MR. MANHEIM: Your Honor, may I approach?

12 THE COURT: You may.

13 Counsel for the government, are you moving to dismiss
14 Counts 2 through 9?

12:03:22

15 MR. MANHEIM: Yes, Your Honor.

16 THE COURT: I trust there's no objection?

17 MR. KOOSHKI: No objection, Your Honor.

18 THE COURT: Counts 2 through 9 will be dismissed.

19 Counsel, the Court didn't articulate this in open court,
20 but the judgment reflects the Court's intention, and that is
21 that the interest on the fine is waived.

12:04:14

22 Otherwise, I have reviewed the judgment, it does reflect
23 the Court's oral ruling, and I've signed it.

24 Mr. Kadimisetty, good luck to you, sir.

12:04:41

25 This concludes this proceeding.

1 We'll be in recess.

2 MR. MANHEIM: Thank you.

3 THE CLERK: Please rise.

4 (Proceedings adjourned 12:04 p.m.)

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C E R T I F I C A T E

I, Marci E.C. Chatelain, CCR, RPR, RMR, CRR, Court Reporter for the United States District Court in the Western District of Washington at Seattle, do hereby certify that I was present in court during the foregoing matter and reported said proceedings stenographically.

I further certify that thereafter, I have caused said stenographic notes to be transcribed under my direction and that the foregoing pages are a true and accurate transcription to the best of my ability.

Dated this 25th day of February 2022.

/S/ Marci E.C. Chatelain

Marci E.C. Chatelain, CCR, RPR, RMR, CRR
Federal Court Reporter